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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,143	07/31/2003	Thomas F. Doyle	020475	3103
23596 7590 01/28/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER SHIN, JOHN Y				
ART UNIT 3627		PAPER NUMBER		
NOTIFICATION DATE 01/28/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

kascanla@qualcomm.com

nanm@qualcomm.com

### Office Action Summary

**Application No.**

10/633,143

**Applicant(s)**

DOYLE ET AL.

**Examiner**

John Shin

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on July 31, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-893)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date 1/24/05

## DETAILED ACTION

### *Claim Objections*

1. Claim 6 objected to because of the following informalities: line 1 of the claim recites "wherein the processor is further for billing". There appears to be a missing word after the word "further". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakamatsu (2003/0144929) in view of Jain et al (6,282,274).
4. Regarding claims 1, 10, and 18, Wakamatsu shows an apparatus for providing separable billing services, comprising:
  - a memory for storing an identifier, the identifier identifying a digital processing device connected to a data network (paragraph 115); and
  - a processor for receiving a data packet, the data packet comprising an address, the processor for comparing the address to the identifier and for adjusting an account if the address matches the identifier (paragraphs 27, 116).

Wakamatsu does not expressly show the identifier being assigned a communication type and the account being associated with a communication type. Jain, however, shows an identifier being assigned a communication type and an account being associated with a communication type (abstract). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the billing service apparatus of Wakamatsu by adding the ability to assign a communication type to identifiers and accounts as taught by Jain in order to provide a faster means for differentiating between different types of billable data.

5. Regarding claims 2, 13, and 21, Wakamatsu in view of Jain shows an interface for routing said data packet to a destination digital processing device associated with the address if the address matches the identifier (Wakamatsu: paragraph 110).

6. Regarding claims 6, 16, and 24, Wakamatsu does not expressly show billing a second account, the second account associated with a second type of communication, if the address does not match the identifier. Jain, however, shows billing a second account, the second account associated with a second type of communication, if the address does not match the identifier (abstract; column 5, lines 1-5 & 15-27: *The fact that bills can be itemized by service account implies that when an initial address-identifier pairing fails, subsequent pairings, including a "second" pairing, are conducted until a match is found*). It would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the billing apparatus of Wakamatsu by adding the ability to bill a second account when a match fails as taught by Jain in order to provide a more robust billing system.

7. Regarding claims 3-5, 7, 11, 12, 14, 15, 19, 20, 22, and 23, Wakamatsu shows the limitation wherein the address comprises a destination or source address (paragraphs 5, 7), but Wakamatsu does not expressly show the limitation wherein the communication type comprises a business or personal-type communication. Jain shows the limitation wherein the communication type comprises a business or personal-type communication (abstract). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the billing service apparatus of Wakamatsu by adding the ability for a communication to be a business or personal-type communication as taught by Jain in order to provide a faster means for differentiating between different types of billable data.

8. Regarding claims 8, 9, 17, and 25, Wakamatsu in view of Jain does not expressly show the limitation wherein the data packet is not forwarded to the digital processing device if the address does not match the identifier and does not expressly show a transceiver for transmitting a message to an originator of the data packet informing the originator that the data packet was not sent to the digital processing device if the address does not match the identifier. However, it is old and well-known in the art to block the routing of packets in a network in response to any form of failed identification check in general and to send the originator of the packet, via transceiver or any other digital processing device, a message saying that one or more packets have not been sent. It would have been obvious to a person having ordinary skill in the art at the time of the invention to further modify the billing apparatus of Wakamatsu in view of Jain by adding the ability to prevent the forwarding of a data packet in the event that an address

does not match the identifier and to notify the originator of the packet of this delivery failure in order to prevent unauthorized use of the network.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rhodes (2003/0123628) - Shows a method and apparatus for adjustable billing of network resources

Bowcutt et al (6,308,328) – Shows an apparatus that allows usage sensitive billing of users of a data network

Lopez Aladros et al (2003/0091171) – Shows a method for charging of services in a communication network

Clisham (2004/0022222) – Shows a system and method that is able to calculate billing information based on the IP address of the client

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Shin whose telephone number is (571) 270-3276. The examiner can normally be reached on Monday to Friday, 10:30 am - 7:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art  
Unit 3627

John Shin  
Patent Examiner, A.U. 3627  
January 22, 2008